

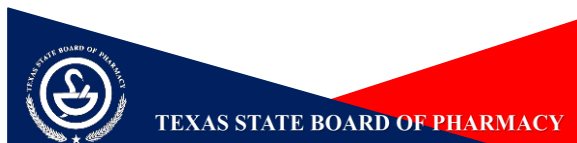
**Texas State Board of Pharmacy
Laws and Rules Update
Webinar FAQs and Troubleshooting Tips**

- We will be using the [Chat](#) box to deliver general information.
- If you have questions, please use the [Q&A](#) box to submit.
- You may send all follow-up questions or handout requests to educationcoordinator@pharmacy.texas.gov
- You do not need a microphone – just log in to watch and listen.
- We will be doing periodic sound checks before the presentation begins.
 - Want to use your phone for audio?
 - Call 1-415-655-0003
 - Enter access code/event number for this webinar (found in the Event Info tab and will be posted in the "Chat" box pane)
 - Still having trouble? Call the help desk at any time during the presentation: 1-866-569-3239
- Receiving Credit
 - Look for the quiz and evaluation to be posted in your Lifelong Learning Account 5-7 business days from now
 - An email notification will be sent to you when these are available
 - Complete these items to generate your certificate, which can be accessed at any time through your Lifelong Learning Account
 - Please note: This course is accepted by the Texas State Board of Pharmacy for both general credit and as fulfilling the law requirement. However, it is **NOT** ACPE certified and will not appear in your CPE Monitor account.



Texas Pharmacy Law Update

Allison Vordenbaumen Benz, R.Ph., M.S.
Director of Professional Services
July 7, 2016



Goals

- Review recent changes to pharmacy rules;
- Review the most common Warning Notices Issued to Pharmacies;
- Review pharmacy related legislation passed by the 2015 Legislature; and
- Review some current issues facing the Board.



Board of Pharmacy Members

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TEXAS STATE BOARD OF PHARMACY



Recently Adopted Rules



TEXAS STATE BOARD OF PHARMACY

Grounds for Discipline

- Effective Date: December 6, 2015.
- It is a ground for discipline of a pharmacist or pharmacy technician if the individual exhibits abusive, intimidating, or threatening behavior toward a board member or employee during the performance of a member's or employee's lawful duties.



Grounds for Discipline

- Effective Date: March 10, 2016.
- It is a ground for discipline of a pharmacy license if the owner, managing officer(s), or other pharmacy employee(s) exhibits abusive, intimidating, or threatening behavior toward a board member or employee during the performance of a member's or employee's lawful duties.



Pharmacist-in-Charge

- Effective Date: December 6, 2015.
- A pharmacist-in-charge (PIC) of a Class A Pharmacy may not also be the PIC of a:
 - Class B Pharmacy; or
 - Class C Pharmacy in a hospital with 101 beds or more.



Administration of Immunizations and Vaccines

- Effective Date: December 6, 2015.
- Before preparing an immunization/vaccine **and** between each patient contact:
 - Pharmacist must:
 - cleanse their hands with an alcohol-based waterless antiseptic hand rub; or
 - wash their hands with soap and water.
 - If gloves are worn, pharmacists must change gloves between patients.



Rules Adopted by the Board at the May 3, 2016 Meeting

- Will become effective in late May or early June 2016.
- The transfer of prescriptions must be completed within four business hours of the request.



Pharmacists and Pharmacy Technicians



Pharmacist's Continuing Education

- Effective Date: March 17, 2013.
- Pharmacists can receive credit for programs approved by AMA as Category 1 CME.
- Pharmacists must report 1-hour of CE related to Texas Pharmacy Laws or Regulations on renewals received after 1/1/15.



Pharmacy Technician's Continuing Education

- Effective Date: June 12, 2013.
- Pharmacy Technicians must report 1-hour of CE related to Texas Pharmacy Laws or Regulations on renewals received after 1/1/15.



Pharmacy Technician's Continuing Education (cont.)

- Effective Date: September 14, 2015.
Amendments to §297.8 (Continuing Education) rules to:
 - Decrease the number of in-service hours from 10 to 5 hours;
 - Clarify the requirements for CE; and
 - Clarify the types of programs that count for continuing education.

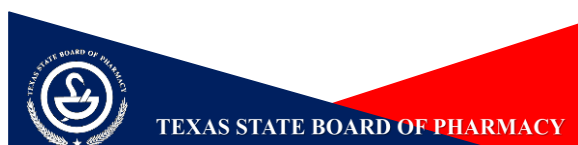


Licensing Fee Changes

License	Renewal Fee Effective October 1, 2015	Change
Pharmacist	\$276	\$25 decrease
Pharmacies	\$452	\$80 decrease
Pharmacy Technicians	\$77	\$19 decrease
Pharmacy Technician Trainees	\$52	\$10 decrease



Conditions Receiving "Warning Notices" FY2015



Number of Inspections

Class	FY2015	% of FY2015 Inspections
Class A Pharmacies	2,275	76%
Class A-S	144	5%
Class B Pharmacies	5	<1%
Class C Pharmacies	268	9%
Class C-S	128	4%
Class D Pharmacies	95	3%
Class F Pharmacies	61	2%
Class G Pharmacies	15	<1%
Totals	2,991	100%

Warning Notices

Class	# Pharmacies Receiving WN	% Receiving WN
Class A	992	77%
Class A-S	84	6%
Class B	2	<1%
Class C	80	6%
Class C-S	87	7%
Class D	31	2%
Class F	17	1%
Class G	0	N/A
Totals	1,293	100%

Most Common Warning Notices (All Classes of Pharmacy)

Violation	Number of WN Issued*
Records	731
Sterile Preparations	647
Pharmacy Technicians	564
Drug/Stock Environment	421
Prescriptions	335
Inventory	319
* One pharmacy may receive multiple Warning Notice violations.	

Most Common Warning Notices (All Classes of Pharmacy) cont.

Condition	Number of WN Issued	Total
Records		731
Records Not Available	314	
Absence of R.Ph. Record	66	
Rx Not Separated	17	
Rx Records Not Numerical Order	25	
Improper Transfer of RX copies	3	
Invoices Not Separated/Retrievable	122	
Records for Non-Sterile Compounds	169	
No Written Information on RX	10	

Most Common Warning Notices (All Classes of Pharmacy) cont.

Condition	Number of WN Issued	Total
Sterile Preparations		647
No/Incomplete QA/QC	99	
No/Incomplete P&P Manual	237	
No/Inadequate Preparation Area	165	
IV Preparation	131	
No DUR	13	
Cytotoxic/Bio Procedures	2	

Most Common Warning Notices (All Classes of Pharmacy) cont.

Condition	Number of WN Issued	Total
Pharmacy Technicians		564
No/Incomplete Training	510	
No/Improper Supervision	19	
Improper Registration	29	
No Name Tags	6	

Most Common Warning Notices (All Classes of Pharmacy) cont.

Condition	Number of WN Issued	Total
Drug Stock/Environment		421
Improper Environment	137	
Out-of-Date Drug Stock	158	
Security	65	
Unsanitary	32	
Improper Drug Storage	20	
Area for Non-Sterile Compounding	7	
Violation of Limited Formulary	2	

Most Common Warning Notices (All Classes of Pharmacy) cont.

Condition	Number of WN Issued	Total
Prescriptions		335
Lack Proper Information	159	
Prescription Label Incorrect	136	
Official Rx Non-Compliance	40	

Most Common Warning Notices (All Classes of Pharmacy) cont.

Condition	Number of WN Issued	Total
Inventory		319
No Annual Inventory	84	
No Change of Ownership Inventory	5	
No Change of PIC Inventory	35	
Incomplete Inventory	194	
Improper Drug Destruction	1	

Violations NOT Resulting in Warning Notices

- Individuals performing technician duties without an active registration.
- Technicians performing technician duties with no pharmacist on site.
- Technicians performing pharmacist-only duties with no pharmacist on site (results in emergency temporary suspension hearing).
- Pharmacists who do not verbally counsel a patient on a new prescription.



Violations NOT Resulting in Warning Notices

- Pharmacy is not able to produce 2 consecutive annual inventories.
- PIC falsifies response to a Warning Notice.
- Pharmacies dispensing/shipping prescription drugs into other states without holding a pharmacy license in that state.
- Pharmacies compounding sterile preparations without proper licensure (e.g., Class A who should have a Class A-S pharmacy license).



TEXAS STATE BOARD OF PHARMACY

Violations NOT Resulting in Warning Notices

- Egregious Conditions
 - Dispensing CII's pursuant to prescriptions not issued on an Official Form;
 - Excessive quantity of out-of-date stock (i.e., more than 25% of the inventory);
 - Pharmacy closed and did not notify TSBP of closing;
 - Operating without a PIC for an extended period of time (i.e., 3 months or more).



TEXAS STATE BOARD OF PHARMACY

Violations NOT Resulting in Warning Notices

- Continuing threat – For example:
 - Impaired pharmacist on duty; or
 - Sterile compounding pharmacies who have extensive non-compliance with Board Rule 291.133 and will not voluntarily agree to “*cease and desist*” sterile compounding until conditions have been corrected.
- Both of these scenarios would result in an Emergency Temporary Suspension Hearing.



TEXAS STATE BOARD OF PHARMACY

Pharmacy Related Legislation Passed by the 2015 Legislature



S.B. 195 by Sen. Schwertner

- This bill:
- Moves the Prescription Monitoring Program from the Department of Public Safety (DPS) to the Board of Pharmacy; and
- Eliminates the Texas Controlled Substance Registration program.



Timeline for Transfer of the PMP Program

- **November 2015** – RFP for the new PMP issued by TSBP.
- **January 2016** – **Appriss selected as the vendor.**
- **February – May 2016** – System installation at TSBP.
- **May/June 2016** – Testing of program.
- **September 1, 2016** – NEW PMP goes live.



Request Patient Rx Report
1 of 7

[Help](#)
PMP AWARE

Log In

Email

Password [Forgot Password](#)

[Login](#) [Create an Account](#)

Request a Patient Rx Report

This tutorial steps through how to request a patient Rx report from PMP AWARE, and how to access the previous requests you made using the system.

This Tutorial Covers how to:

- Access the Patient Request Screen
- Search for a Patient
- Access other PMP Interconnect States
- Getting Results
- Access Patient Request History

Tutorial last viewed in Acrobat Reader

[Next](#)

Request Patient Rx Report
2 of 7

[Rx Search](#)
[User Profile](#)
[Help](#)
PMP AWARE

[Rx Search](#)
[Patient Request](#)
[Requests History](#)
[MyRx](#)

Patient Request

[Rx Patient Request Tutorial](#)

Patient Info

First Name*

Last Name*

DOB*

Phone Number

Social Security Number

Drivers License Number

Patient Location

City

State/Province

State Select

Zip Code

Prescription Fill Dates

From*

To*

PMP Interconnect Search

☐ Colorado PMP

☐ Illinois

☐ Nevada

☐ New Jersey Test

☐ North Dakota

☐ Oklahoma

☐ South Carolina

☐ Utah PMP

Access the Patient Request Screen

To request prescription history on a patient, on the main menu go to:

[RxSearch / Patient Request](#)

[Back](#) [Next](#)

Request Patient Rx Report
3 of 7

[Rx Search](#)
[User Profile](#)
[Help](#)
PMP AWARE

[Rx Search](#)
[Patient Request](#)
[Requests History](#)
[MyRx](#)

Patient Request

[Rx Patient Request Tutorial](#)

Patient Info

First Name*

Last Name*

DOB*

Phone Number

Social Security Number

Drivers License Number

Patient Location

City

State/Province

State Select

Zip Code

Prescription Fill Dates

From*

To*

PMP Interconnect Search

☐ Colorado PMP

☐ Illinois

☐ Nevada

☐ New Jersey Test

☐ North Dakota

☐ Oklahoma

☐ South Carolina

☐ Utah PMP

Search for a Patient

- Required fields are indicated by a Red Asterisk *
- At a minimum, First Name, Last Name, and DOB are required
- Including additional information, such as Zip Code, can improve your search.

[Back](#) [Next](#)

Request Patient Rx Report 4 of 7

Patient Request

[Rx Patient Request Tutorial](#)

Patient Info
 First Name*
 Last Name*
 DOB*
 mm/dd/yyyy
 Phone Number
 Social Security Number
 Drivers License Number

Patient Location
 City
 State/Province
 State Select
 Zip Code
Prescription Fill Dates
 From*
 02/05/2014
 To*
 02/05/2015

PMP Interconnect Search
☐ Colorado PMP
☐ Illinois
☐ Nevada
☐ New Jersey Test
☐ North Dakota
☐ Oklahoma
☐ South Carolina
☐ Utah PMP

Search for a Patient

The Prescription Fill Dates default to a search period of 1 year from the current date, but can be adjusted to search a different time frame.

[Back](#) [Next](#)

Request Patient Rx Report 5 of 7

Patient Info
 First Name*
 Last Name*
 DOB*
 mm/dd/yyyy
 Phone Number
 Social Security Number
 Drivers License Number

Patient Location
 City
 State/Province
 State Select
 Zip Code
Prescription Fill Dates
 From*
 02/05/2014
 To*
 02/05/2015

PMP Interconnect Search
☐ Colorado PMP
☐ Illinois
☐ Nevada
☐ New Jersey Test
☐ North Dakota
☐ Oklahoma
☐ South Carolina
☐ Utah PMP

☐ I agree to the terms of the acknowledgment.

[Search](#)

Access other PMP Interconnect States

If you wish to search other states for information about this patient, check the corresponding box next to any state available under the PMP Interconnect Search section. Once all information you wish to enter about the patient has been entered, simply agree to the terms and click search.

[Back](#) [Next](#)

Request Patient Rx Report 6 of 7

[Home](#) [Rx Search](#) [User Profile](#) [Help](#) [PMP AWARE](#)

[Rx Search](#) [Patient Request](#) [Requests History](#) [MyRx](#)

Patient Request

Report Prepared: 05/18/2015 Date Range: 05/18/2011-05/18/2015

Prescriptions

Filed	ID	Written	Drug	QTY	Days	Prescriber	Rx #	Pharmacy*	Refills	Paid With
03/31/2015	1	03/31/2015	HYDROCODONE-ACETAMINOPH 10-325	80.0	30	TESTPRESCRIBER EVE	000011	Carol's PHARMACY CH-AN (222)	0	Patient Paid
03/24/2015	1	03/24/2015	HYDROCODONE-ACETAMINOPH 10-325	80.0	30	TESTPRESCRIBER EVE	000012	Carol's PHARMACY	0	Patient Paid
10/07/2013										

Getting Results

Depending on your role, your request may require review and approval by the state pmp administrator. If this is the case, a message will appear with further detail.

Here are a couple other messages you may encounter regarding a search:

No Matching Patient Identified

This message indicates that no patient was found in the database matching the search criteria entered.

Possible Solution: Try adjusting the Prescription Fill Dates or enter additional information about the patient and re-submit the search.

Multiple Patients Identified

This message indicates that multiple patients were found possibly matching the search criteria entered. This request must be fulfilled by the PMP administrator before you are able to view it. These requests are usually processed by the administrator within 1 to 2 business days. Once it has been fulfilled, it will be available in the Request History Section.

[Back](#) [Next](#)

Patient First Name	Patient Last Name	Requestor	Requested For	Status	Date Requested
Dave	terrpattent	You		✓	05/18/2015 4:08 PM
benedict	king	You		✓	05/18/2015 4:07 PM
Marshall	Cremm	You		✓	05/18/2015 4:04 PM
Stirling	Archer	You		✓	05/18/2015 4:02 PM
Marshall	Cremm	You		✓	05/18/2015 4:01 PM
Stirling	Archer	You		✓	05/18/2015 4:02 PM

Access Patient Request History

You can view the results of any previous Patient Rx Request by going to:
[ReSearch / Requests History](#)
 Just select the patient to see the search criteria and view the Request History

[Restart](#) [Back](#) [End](#)

H. B. 1550 by Zerwas/Kolkhorst

- Effective Date: 9/1/2015.
 - Rules adopted by the Board in February 2016.
 - §295.16 Administration of Epinephrine by a Pharmacist.
- This bill amends the Pharmacy Act to:
 - Allow a pharmacist to administer epinephrine, using an auto-injector, to a patient in an emergency situation.



H. B. 1550 by Zerwas/Kolkhorst (cont.)

- This bill amends the Pharmacy Act to:
 - Specify a pharmacist:
 - May not receive remuneration for the administration of epinephrine but may seek reimbursement for the cost of the epinephrine auto-injector.
 - Who administers epinephrine through an auto-injector device is not liable for civil damages if the pharmacist acts in good faith and complies with Board rules.



Healthcare | News | Bullard pharmacist saves patient's life thanks to new law

Bullard pharmacist saves patient's life thanks to new law

Published on Thursday, 17 March 2016 17:58 | Author: cc200405@texasboardofpharmacy.com

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Pharmacist Cy Baker, pictured Thursday March 17, 2016, helped save a woman's life by administering an EpiPen, a device which stops life-threatening allergic reactions. (Credit: A. Mitter/Star-News/Proquest)

Bullard pharmacist Cy Baker saved a woman's life thanks to a new law enacted in Texas earlier this year.

A customer walked in the Brookshire's pharmacy in Bullard with her husband on March 4, visibly in need of medical attention. She asked for allergy medicine.

"It was pretty clear that she needed more than Benadryl," because her eyes were swollen shut, and she had trouble breathing," Ms. Baker said.

The Bullard native grabbed an EpiPen and injected the medicine into the patient's thigh. Ms. Baker said the patient felt better soon after and could breathe again. She monitored the woman for a while until the swelling had gone down, and she could breathe freely, as required. She then called 911, notified her physician and documented what happened.

Before, she would not have been able to legally administer the drug to a patient. In January, Texas legislators passed a law that allows a pharmacist to administer an epinephrine auto-injector to a patient in an emergency situation. It also provides liability protections for administering the drug.

Current Issues



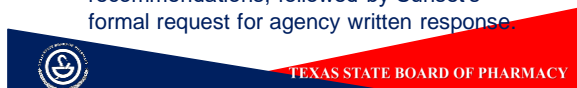
Sunset Review

- Texas Pharmacy Act, Sec. 551.005. Application of Sunset Act.
 - The Texas State Board of Pharmacy is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle expires September 1, 2017.



Sunset Review Time Line

- August 2015.
 - TSBP prepares a Self-Evaluation Report.
- October 2015 – March 2016.
 - Sunset staff reviews the agency.
- Late March 2016.
 - Sunset's confidential report issued followed by a joint meeting with TSBP to discuss recommendations, followed by Sunset's formal request for agency written response.



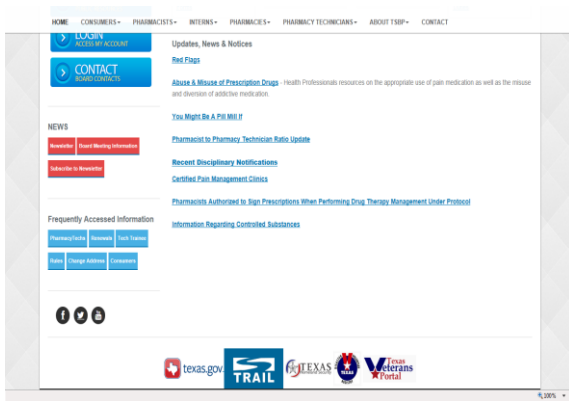
Sunset Review Time Line (cont.)

- April 2016.
 - Sunset staff report published.
- June 23-24, 2016.
 - Sunset Commission holds a public hearing to receive public comment on the agency.
- Summer 2016.
 - Commission decisions are issued.
- January – May 2017.
 - 2017 Legislative Session

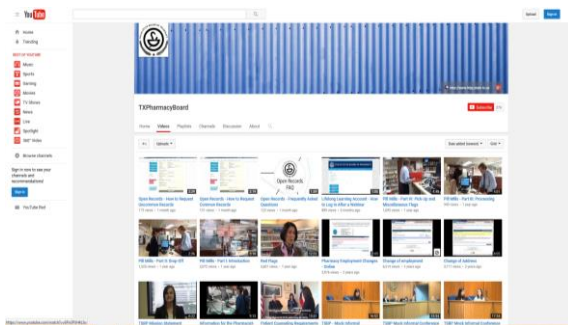


TSBP Website
www.pharmacy.texas.gov









Final Reminders

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 Select Option 1

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Thank You!

Thank you for your attendance!

If you have additional compliance-related questions, please call the
TSBP Compliance Line at 512-305-8070.

For questions about today's presentation, please email us at:

educationcoordinator@pharmacy.texas.gov